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PATENT APPLICATION
Attorney Docket No. JFX/027-98

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

ONE-TOUCH SYSTEM FOR SENDING ELECTRONIC MAIL AND FACSIMILES FROM A FAX
MACHINE

This declaration is of the following type:

- ☒ original
- ☐ divisional
- ☐ continuation
- ☐ continuation-in-part

the specification of which

(check one)

_____ is attached hereto
XX was filed on November 6, 1998
Application Serial No.09/187,332_
and was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations §1.56(a).

I do not know and do not believe that the invention was ever known or used in the United States of America before my or our invention thereof;

I do not know and do not believe that the invention was ever patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application;

I do not know and do not believe that the invention was in public use or on sale in the United States of America more than one year prior to this application.

The invention has not been patented or made the subject of any inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application; and

As to applications for patents or inventor's certificate on the invention filed in any country foreign to the United States of America, prior to this application by me or my legal representatives or assign:

XX no such applications have been filed, or
___ such applications have been filed as follows:

PRIORITY CLAIM (35 U.S.C. §119)

We hereby claim foreign priority benefits under Title 35, United States Code, §119, of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below, and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

A. Prior foreign/PCT application(s) filed within 12 mos. (6 mos. for design) prior to this application, and any priority claims under 35 U.S.C. §119

<u>Country/PCT</u>	<u>Application No.</u>	<u>Date Filed</u>	<u>Priority Claimed</u>
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NONE

☐ Yes ☐ No
☐ Yes ☐ No
☐ Yes ☐ No

B. All foreign application(s), if any, filed more than 12 mos. (6 mos. for design) prior to this U.S. application

Country: **NONE**
Application No.:
Filing Date:

PRIOR U.S. APPLICATION(S) FOR WHICH BENEFIT UNDER 35 U.S.C. §119(e) or 35 U.S.C. §120 IS CLAIMED

<u>Serial No.</u>	<u>Filing Date</u>	<u>Patented</u>	<u>Pending</u>	<u>Abandoned</u>	<u>Provisional Application</u>
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NONE

POWER OF ATTORNEY

I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Richard T. Lyon

Registration No. 37,385

Send correspondence to:

Direct telephone calls to:

LYON, HARR & DEFRANK, LLP
300 Esplanade Drive
Suite 800
Oxnard, CA 93030
FAX: (805) 278-8064

Richard T. Lyon
(805) 278-8855

DECLARATION

I/We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and, further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Sec. 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Full name of sole or first inventor: JOE G. NAYLOR

Inventor's signature: 

Date: 1/6/99

Residence: 1457 A Vallejo Street

San Francisco, CA 94109

Citizenship: USA

Post Office Address: 1457 A Vallejo Street, San Francisco, CA 94109

Full name of sole or first inventor: Edward R. Prince III

Inventor's signature:



Date:

Jan 6 '99

Residence:

804 Dolores Street

San Francisco, CA 94110

Citizenship:

USA

Post Office Address:

804 Dolores Street, San Francisco, CA 94110

Full name of sole or first inventor:

JOSH A. MAILMAN

Inventor's signature:



Date:

Jan 11, 99

Residence:

906 E. Estates Drive

Cupertino, CA 95014

Citizenship:

USA

Post Office Address:

906 E. Estates Drive, Cupertino, CA 95014

(Declaration ends with this page)

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ASSIGNMENT FOR APPLICATION FOR PATENT

WHEREAS:

Names and Addresses
of Inventors:

JOE G. NAYLOR
1457 A Vallejo Street
San Francisco, CA 94109

EDWARD R. PRINCE III
804 Dolores Street
San Francisco, CA 94110

JOSH A. MAILMAN
906 E. Estates Drive
Cupertino, CA 95014

(hereinafter referred to as Assignors), have invented a certain invention entitled:

**ONE-TOUCH SYSTEM FOR SENDING ELECTRONIC MAIL AND FACSIMILES
FROM A FAX MACHINE**

and have disclosed the same in an application for Letters Patent of the United States therefor, said application having been executed by the Assignors contemporaneously herewith.

WHEREAS, JetFax, Inc., a corporation of the State of California, having a place of business at 1378 Willow Road, Menlo Park, CA 94025 (hereinafter referred to as the Assignee), is desirous of acquiring the right, title and interest in and to said application (hereinafter referred to as Application), and the invention disclosed therein (hereinafter referred to as Invention), and in and to all embodiments of the Invention, heretofore conceived, made or discovered by said Assignors, and in and to any and all patents, inventor's certificates and other forms of protection (hereinafter referred to as Patents) thereon granted in any and all countries and groups of countries.

NOW, THEREFOR, in consideration of good and valuable consideration acknowledged by said Assignors to have been received in full from said Assignee:

1. Said Assignors hereby sell, assign, transfer and convey to Assignee the full and exclusive right, title and interest (a) in and to said Application and said Invention; (b) in and to all rights to apply for patents on said Invention in any and all countries pursuant to

the International Convention for the Protection of Industrial Property or otherwise; (c) in and to any and all Applications filed and any and all Patents granted on said Invention in any and all countries and groups of countries, including each and every Application filed and each and every Patent granted on any application which is a division, substitution, or continuation of said Application; and (d) in and to each and every reissue or extension of any of said Patents.

2. Said Assignors hereby covenant and agree to cooperate with said Assignee to enable said Assignee to enjoy to the fullest extent the right, title and interest to said Invention herein conveyed in any and all countries and groups of countries. Such cooperation by said Assignors shall include prompt production of pertinent facts and documents, giving testimony, execution of petitions, oaths, specifications, declarations or other papers, and other assistance all to the extent deemed necessary or desirable by said Assignee (a) for perfecting in said Assignee the right, title and interest herein conveyed; (b) for prosecuting any of said applications; (c) for filing and prosecuting substitute, divisional, continuing or additional applications covering said Invention; (d) for filing and prosecuting applications for reissuance of any of said Patents; (e) for interference or other priority proceedings involving said Invention; and (f) for legal proceedings involving said Invention and any application therefor and any Patents granted thereon, including without limitation opposition proceedings, cancellation proceedings, priority contests, public use proceedings, infringement actions and court actions; provided, however, that the expense incurred by said Assignors in providing such cooperation shall be paid for by Assignee.

3. The term and covenants of this agreement shall inure to the benefit of said Assignee, its successors, assigns and other legal representatives, and shall be binding upon said Assignors, their respective heirs, legal representatives and assigns.

4. Said assignors hereby warrant and represent that they have not entered and will not enter into any assignment, contract, or understanding in conflict herewith.

IN WITNESS WHEREOF, the said Assignors have executed and delivered this instrument to said Assignee on the dates indicated below.

1) Dated Jan. 6, 1999


JOE G. NAYLOR

2) Dated Jan 6, 1999


EDWARD R. PRINCE III

3) Dated Jan 11, 1999


JOSH A. MAILMAN

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9(f) AND 1.27 (c)) - SMALL BUSINESS CONCERN**

Docket No.
JFX/027-98

Serial No.
09/187,332

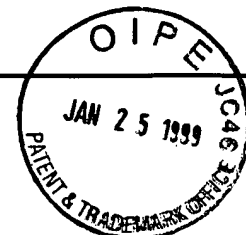
Filing Date
November 6, 1998

Patent No.

Issue Date

Applicant/ Naylor et al.
Patentee:

Invention: One-Touch System for Sending Electronic Mail and Facsimiles from a Fax Machine



I hereby declare that I am:

- ☐ the owner of the small business concern identified below:
- ☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: JetFax, Inc.

ADDRESS OF CONCERN: 1378 Willow Road, Menlo Park., CA 94025

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the above identified invention described in:

- ☐ the specification filed herewith with title as listed above.
- ☒ the application identified above.
- ☐ the patent identified above.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed on the next page and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☒ no such person, concern or organization exists.
☐ each such person, concern or organization is listed below.

FULL NAME

ADDRESS

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

FULL NAME

ADDRESS

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

FULL NAME

ADDRESS

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

FULL NAME

ADDRESS

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Edward R. Prince III

TITLE OF PERSON SIGNING

OTHER THAN OWNER: PresidentADDRESS OF PERSON SIGNING: 1378 Willow Road, Menlo Park, CA 94025

SIGNATURE:



DATE:

Jan 6 '99